

STANDING ORDER 1-03 PARENT EDUCATION PROGRAM ATTENDANCE
[MA R PROB AND FAM CT Order 1-03]

Current with amendments received through 9/1/2003

This court finds that the interests of the minor children of parties appearing before it would be well served by educating their parents about children's emotional needs and the effects of divorce on child behavior and development.

IT IS HEREBY ORDERED THAT:

1. All parties to a divorce action in which there are minor children, are ordered to attend and participate in an approved Parent Education Program (hereinafter, program) except as herein provided. This requirement applies to divorces brought under Ch. 208 sec. 1 (fault divorces); and Ch. 208 secs. 1A and 1B (irretrievable breakdown) and as ordered by a judge of this court in an action to establish paternity, complaints for modification or contempt or in any case involving visitation, custody, or support of minor children.

2. Attendance at an approved program is mandatory for parties to such actions unless waived by the court. Parties must register with an approved provider within sixty days (60) days of service of the original complaint upon the original defendant and attend the next available session.

3. No Pre-trial Conference or Trial will be held by the court until the court receives a certificate of attendance from an approved program for each party, or waives the requirement. An uncontested divorce hearing may be scheduled pending attendance if the parties file confirmations of registration with the court and so long as both parties complete the program prior to the hearing. A Pre-Trial Conference in a contested case may be similarly scheduled so long as the parties complete the program prior to the Pre-Trial Conference.

4. The court may waive the attendance requirement upon motion, with notice, for one or both parties. Waivers will only be granted upon a demonstrable showing of chronic and severe violence which negates safe parental communication; language barriers; institutionalization or other unavailability of a party; failure of the other party to complete a program; unavailability of an approved program in the county in which the original divorce brought under Ch. 208 sec. 1 and Ch. 208 secs. 1A and 1B was filed; or where justice otherwise indicates.

5. Sanctions for failure to register with an approved program within sixty (60) days of service of the original complaint upon the original defendant may be imposed by the court.

6. The parties must attend programs approved by the Chief Justice of the Probate and Family Court. Attendance at an approved program, wherever held within the Commonwealth, is permissible. Programs which are not approved by the Chief Justice will not satisfy the attendance requirement. Program vendors will ensure that parties to an action do not attend the same session of any program. Lists of approved programs shall be available at all Registries of Probate and at <http://www.state.ma.us/courts/courtsandjudges/courts/probateandfamilycourt/selfhelp.html>

7. A pamphlet entitled Parent Education Programs: Understanding the Effect of Divorce on Children, which lists the approved program providers shall be given to the plaintiff or his/her attorney upon the filing of a complaint for divorce involving minor children. The plaintiff or his/her attorney shall serve a copy of said pamphlet along with the complaint and summons to the person authorized to make service pursuant to Mass.R.Dom.Rel.P. 4(c).

8. The parties shall each pay \$65.00 to the provider in advance of the program to offset the cost of materials and facilitators.

9. A party may pay a reduced fee of \$5.00 to the provider if that party has submitted and had allowed an 'Affidavit of Indigency and Request for Waiver, Substitution or State Payment of Fees and Costs.' This form is prescribed by the Chief Justice of the Supreme Judicial Court pursuant to G.L.c.261, § 27B, promulgated March, 2003 and is available at the Registry of the Probate and Family Court. The party must submit a copy of this form to the provider when registering for a program at a reduced fee of \$5.00.

10. Nothing herein shall be construed to limit the authority of any Probate and Family Court justice to order parties to attend an approved program in any case involving visitation, custody, or support of minor children.

11. All information submitted in compliance with the research component of the program shall be the work product of the Probate and Family Court Administrative Office. The material is for research purposes only and shall not be discoverable.

Sean M. Dunphy
Chief Justice

Date
Adopted effective August 1, 2003.